

district courts," passed May 13, 1846, was read first time and referred to Judiciary Committee.

House bill No. 130, "An Act to prescribe the manner of making minors and persons of unsound mind parties to suits in this State," was read first time and referred to Judiciary Committee.

House bill No. 311, "An Act to amend article six hundred and ninety-four of Code of Criminal Procedure," enacted February 15, 1858, was read first time and referred to Judiciary Committee.

On motion of Senator Westfall, the rules were suspended and Senate bill No. 393, "An Act to secure the more efficient prosecution of certain cases," was taken up.

On motion of Senator Westfall, it was made special order for Thursday next at 11 A. M., and from day to day till disposed of.

On motion of Senator Shepard, the rules were suspended and Senate bill No. 355, "An Act to supplement 'an act regulating proceedings in district courts,'" approved May 13, 1846, was taken up.

On motion of Senator Culberson, the Senate adjourned.

#### EIGHTY-FIRST DAY.

SENATE CHAMBER, }  
Austin, April 20, 1874. }

Senate met pursuant to adjournment.

Roll called ; quorum present.

Prayer by the chaplain.

On motion of Senator Ireland the reading of the Journal of Saturday was dispensed with.

Senator Shepard presented the petition of citizens of Washington county 'asking an amendment to school law,' etc. Read and referred to Committee on Education.

Senator Davenport presented the petition of citizens of Hood county, 'in regard to land titles.' Read and referred to Committee on Public Lands.

Senator Ledbetter presented the petition of Dr. Gideon Lincecum. Read and referred to Committee on Judiciary.

Senator Wood, for Committee on Internal Improvements, submitted the following reports :

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred House bill No. 246, "An act supplemental to An act to incorporate the Western Narrow Gauge Railway Company," approved August 4, 1870, and an act supplemental thereto, approved May 2, 1873, ask leave to return the same and recommend that it do not pass.

WOOD, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Internal Improvements, to whom was referred House bill No. 310, 'An act to amend section two of an act amendatory of, and supplemental to an act entitled an act amendatory of, and supplemental to an act, entitled An act to Incorporate the Sabine and Galveston Bay Railroad and Lumber Company,' passed September 1, 1856; passed December 24, 1859, which act changed the name of said company to the 'Texas and New Orleans Railroad Company,' approved April 15, 1873, and which said act changed the name of said road to the 'New Orleans, Mobile and Texas Railroad Company,' ask leave to return the same with the following amendment: "Strike out in section two, line twenty-six, the words 'any connecting,' and insert in lieu thereof, the words, 'The New Orleans and Mobile,' and recommend its passage as amended."

WOOD, for Committee.

Senator Shepard, for Committee on Engrossed Bills, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 227, 'an act to regulate common carriers,' also Senate bill No. 308, 'an act supplemental to an act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,' approved April 29, 1873, and find them correctly engrossed.

SHEPARD, for Committee.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 405, "An Act prescribing the times of holding the district courts in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act," and find the same correctly engrossed.

SHEPARD, for Committee.

Senator Dwyer, for Committee on Enrolled bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Enrolled Bills have carefully examined Senate bill No. 110, "An Act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," and find it correctly enrolled, and have on the eighteenth day of April, A. D., 1874, at twelve o'clock M., presented the same to the Governor for his signature.

Respectfully,

Jos. E. DWYER, for Committee.

Senator Stirman, Chairman Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on State Affairs, to whom was referred Senate bill No. 403, "An Act to provide for establishing lost lines and corners in land surveys heretofore made," have carefully considered the same, and instruct me to report the said bill back to the Senate, with the recommendation that it do not pass.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on State Affairs, to whom was referred House bill No. 131, "An Act to authorize the Liberty Fire Company No. 2, of the city of Houston, to raise funds for and maintain a charity fund," having carefully considered the same, have instructed me to report said bill back to your honorable body, with the recommendation that it do not pass, as the powers herein required can be obtained under the general incorporation act.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on State Affairs, to whom was referred House bill No. 416, "An Act to incorporate the Alamo Rifles, of the city of San Antonio," having carefully examined said bill, instruct me to report it back to the Senate, with the recommendation that it do not pass, as all the rights and powers here asked, can be obtained under the general incorporation act.

W. B. STIRMAN, Chairman.

*Hon. R. R. Hubbard, President of the Senate :*

Your Committee on State Affairs, to whom was referred House bill No. 250, "An Act to protect the enclosed lands of any person from trespass, by shooting, hunting, fishing, or fowling," have considered the same, and recommend that said bill do pass.

W. B. STIRMAN, Chairman.

Senator Ireland introduced a bill, entitled "An Act to amend section thirty-nine of an act entitled 'an act to encourage stock raising, and for the protection of stock raisers,'" approved March 23, 1871. Read first time.

On motion of Senator Ireland, the rules were suspended, and bill read second time.

Senator Bradley offered the following amendment :

Amend by inserting the word 'fraudulently,' before the word 'sell,' in first section. Adopted.

Senator Ellis offered the following amendment :

Amend by adding 'without the consent of the owner.' Lost.

The bill, as amended, was then ordered engrossed.

On motion of Senator Ireland, the rules were further suspended, bill read third time, and passed.

Senator Allison introduced a bill, entitled "An Act regulating the appointment of officers for the various asylums in this State." Read first time, and referred to Committee on State Affairs.

Senator Ellis introduced a bill, entitled "An Act to regulate proceedings in the district courts." Read first time, and referred to Judiciary Committee.

Senator Moore introduced a bill, entitled "An Act to incorporate the Caddo, Paris and Jefferson Branch of the Missouri, Kansas and Texas Railway." Read first time, and referred to Committee on Internal Improvement.

Senator Erath introduced a bill, entitled "An Act to amend an act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at the present session of the Legislature. Read first time.

On motion of Senator Erath, the rules were suspended, bill read second time and ordered engrossed.

On motion of Senator Erath, the rules were suspended, bill read third time and passed.

On motion of Senator Westfall, the rules were suspended and House bill No. 224, "An Act to regulate fire and marine insurance companies," was taken up, and made special order for Thursday next, at 11 o'clock A. M., and to continue as said special order until disposed of.

Senator Moore introduced a bill, entitled "An Act making an appropriation to pay the interest on the bonded indebtedness of the State, and the interest on State treasury warrants." Read first time, and referred to Committee on Finance.

On motion of Senator Wood, the rules were suspended, and House bill No. 385, "An Act to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand," together with Senate amendments thereto, in which the House refused to concur, was taken up.

On motion of Senator Wood, the Senate adhered to its amendments.

Senator Wood moved that a Committee of Free Conference be appointed on the disagreement between the two Houses on said bill. Adopted.

The President appointed as said Free Conference Committee, Senators Wood, Ball and Baker.

A message from the House announced the passage of the following House bills:

House bill No. 407, "An Act to incorporate the Henderson and Overton Branch Railway Company."

House bill No. 380, "An Act to regulate the management of railroad companies."

Senator Trolinger moved a reconsideration of the vote, by which House bill No. 113, "An Act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General in collecting the State arms." Carried.

Bill taken up, and read third time.

Senator Ireland offered the following amendment :

“Strike out the words ‘one thousand dollars,’ and insert ‘five hundred.’” Lost.

The bill passed by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Camp, Culberson, Davenport, Dillard, Ellis, Erath, Friend, Joseph, Ledbetter, Parker, Randle, Stirman, Swift, Trolinger and Westfall—19.

NAYS—Senators Bradley, Burton, Hobby, Ireland, Morris, Moore, Russell and Wood—8.

The hour for the consideration of the special order having arrived, to-wit: Substitute for Senate bill Nos. 251, 261, and 277, entitled “An Act to regulate the assessment and collection of taxes, and to provide penalties for the enforcement of the same,” it was, on motion of Senator Swift, postponed for one hour, in order to consider Senate joint resolution No. 391, “To annex the parishes of Caddo and De Soto, in the State of Louisiana, to the State of Texas.” The joint resolution was taken up and read second time.

Senator Culberson moved to amend by striking out the second section.

Senator Wood offered the following as a substitute for the amendment offered by Senator Culberson :

*Provided*, That, in no event, shall the State of Texas be responsible for any portion of the debt of the State of Louisiana.”

During the discussion of the above amendment, a message was received from the House, announcing that the House had adopted Senate concurrent resolution to adjourn *sine die*, on the first Monday in May next.

A message was received from the House, announcing that a motion was pending to reconsider the vote, adopting Senate concurrent resolution to adjourn *sine die* on the first Monday in May next, and asked that the concurrent resolution be sent back to the House.

Senator Ball moved that the concurrent resolution be returned to the House.

Senator Ball withdrew his motion.

Senator Culberson then moved that the concurrent resolution be returned to the House, as requested. Lost.

Senator Wood withdrew the substitute offered by him.

Senator Ellis then offered the following substitute for the said amendment offered by Senator Culberson :

*“Provided further,* that when the assent of Louisiana and the General Government shall be obtained to this cession in the manner required, the Governor of Texas shall issue his proclamation, extending the laws of Texas over this territory, whenever, by the terms of this cession, the State of Texas shall be protected against the debt, or any part of the same, by Louisiana; and the territory thus ceded, shall by the terms of said cession be made responsible for the amount required to complete the transfer.

Senator Culberson withdrew his motion, to strike out the second section, so that the substitute offered by Senator Ellis stood before the Senate as an amendment.

The amendment offered by Senator Ellis was lost by the following vote:

YEAS—Senators Allison, Burton, Culberson, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Ledbetter, Russell, Westfall and Wood—13.

NAYS—Senators Ball, Baker, Bradshaw, Bradley, Camp, Dillard, Joseph, Morris, Moore, Parker, Shepard, Stirman, Swift and Trolinger—14.

Senator Culberson then renewed his motion to strike out the second section.

Senator Ball moved to lay the motion on the table. Carried by the following vote:

YEAS—Senators Ball, Baker, Bradshaw, Camp, Dillard, Dwyer, Joseph, Ledbetter, Moore, Shepard, Stirman, Swift, Trolinger and Wood—14.

NAYS—Senators Allison, Bradley, Burton, Culberson, Davenport, Ellis, Erath, Friend, Hobby, Morris, Parker, Russell and Westfall—13.

Senator Wood then offered the following amendment:

*“Provided,* that, in no event, shall the State of Texas be responsible for any portion of the debt of the State of Louisiana, or become responsible to any creditors having claims against any persons or corporations in said territory; *provided further,* that the Governor of Texas shall not extend the laws of Texas over said territory, nor shall the same become a part of Texas, until, by the terms of cession, the State of Texas shall be protected against such debts.”

Senator Friend offered the following amendment to the amendment: *Provided,* that the Governor of Texas is authorized and instructed to negotiate for the annexation of the whole State of Louisiana, upon the same terms as are here indicated for the parishes of Caddo and De Soto.

Senator Shepard moved the previous question. Motion sustained.

The question being on the adoption of the amendment offered by Senator Friend, it was lost.

The question then recurring on the amendment offered by Senator Wood, it was adopted by the following vote :

YEAS—Senators Allison, Baker, Burton, Culberson, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Ledbetter, Morris, Parker, Russell, Westfall and Wood—16.

NAYS—Senators Ball, Bradshaw, Bradley, Camp, Dillard, Joseph, Moore, Shepard, Stirman, Swift and Trolinger—11.

Senator Allison moved to adjourn. Lost.

The question then recurring on the engrossment of the bill, it was ordered engrossed by the following vote :

YEAS—Senators Ball, Baker, Bradshaw, Burton, Camp, Culberson, Dillard, Ellis, Erath, Hobby, Joseph, Ledbetter, Moore, Parker, Shepard, Stirman, Swift, Trolinger and Wood—19.

NAYS—Senators Allison, Bradley, Davenport, Dwyer, Friend, Morris, Russell and Westfall—8.

Senator Ball moved a suspension of the rules, to put the bill on its third reading. Adopted.

Senator Ellis made a call of the Senate. Call sustained.

Absent—Senators Ireland and Randle.

Senator Culberson moved to adjourn to three o'clock, P. M. Lost.

On motion of Senator Wood, the call was suspended.

The bill was then read third time, and passed by the following vote :

YEAS—Senators Ball, Baker, Bradshaw, Camp, Culberson, Dillard, Erath, Hobby, Joseph, Ledbetter, Moore, Parker, Shepard, Stirman, Swift, Trolinger and Wood—17.

NAYS—Senators Allison, Bradley, Burton, Davenport, Dwyer, Ellis, Friend, Morris, Russell and Westfall—10.

On motion of Senator Erath, the Senate adjourned to three o'clock P. M.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called ; quorum present.

Senator Joseph, for Committee on Engrossed Bills, submitted the following report :



*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 408, "An Act to amend section thirty-nine of 'an act to encourage stock raising and for the protection of stock raisers,' " approved March 23, 1874 ; also, Senate bill No. 402, "An Act to validate the election for a corporation and officers of the corporation of the town of Carthage ;" also, Senate bill No. 409, "An Act to amend 'an act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at the present session of the Legislature ; also, Senate bill No. 321, "An Act to provide a mode for the sale of the shares in any joint stock or incorporated company on execution," and find each of them correctly engrossed.

THOMAS M. JOSEPH, for Committee.

Senator Bradley offered the following resolution :

*Resolved*, 1. That the Senate hold night sessions, commencing at 7:30 o'clock P. M., on and after the twenty-second instant.

2. That the resolution heretofore adopted, requiring the Senate to hold afternoon sessions at 3 o'clock P. M., be and the same is hereby rescinded. Lost.

Senator Westfall offered the following resolution :

*Resolved*, That the Senate will not hereafter entertain any motion to call up out of its regular order any bill or resolution. Adopted.

Senator Dillard offered the following resolution :

*Resolved*, That the evening sessions of the Senate be devoted to the consideration of private bills, and that the districts be called consecutively, and that each Senator be allowed to call up one bill. Read and laid over under the rules.

The hour for the consideration of the special order having arrived, to-wit, substitute for Senate bills 251, 261 and 277, entitled "An Act to regulate the assessment and collection of taxes, and to provide penalties for the enforcement of the same," it was taken up.

On motion of Senator Baker, the bill was considered by sections.

On motion of Senator Friend, the Senate went into a Committee of the Whole.

(Senator Ireland in the chair.)

## IN SENATE.

The Committee of the Whole arose, reported progress, that they had adopted Senate bill No. 251 for the substitute pending, passed various amendments, and the chairman asked that the report be adopted. Adopted.

The first amendment of the bill was adopted, which was as follows:

"Add to the end of section one the following words: 'and the presiding justice shall condense said reports, and once every three months forward a copy of said condensed reports to the Comptroller.'

The second amendment was then adopted, which was as follows:

"Amend in the fourteenth line, section one, by striking out the word 'five' and inserting the words 'two and a half.'"

The following proposed amendment to section two, to-wit: "*provided*, that any property situated in the county may be rendered to the presiding justice of the county or to any justice in the county," was lost by the following vote:

YEAS—Senators Baker, Burton, Camp, Dwyer, Ellis, Erath, Friend, Hobby, Joseph, Moore and Wood—11.

NAYS—Senators Allison, Ball, Bradshaw, Culberson, Davenport, Dillard, Morris, Parker, Russell, Stirman, Swift, Trolinger and Westfall—13.

The following amendment to section two, to-wit: "Amend section two, line thirteen, by striking out the word 'precinct' and inserting in lieu thereof the word 'State,'" was passed by the following vote:

YEAS—Senators Baker, Burton, Camp, Davenport, Dwyer, Ellis, Erath, Friend, Hobby, Joseph, Morris, Moore, Parker, Russell, Shepard, Swift, Westfall and Wood—18.

NAYS—Senators Allison, Ball, Bradshaw, Culberson, Dillard, Stirman and Trolinger—7.

The fifth amendment, which was to strike out section three, was adopted.

The sixth amendment, which was as follows, was adopted:

"Add to section four the following words: "*provided*, no sheriff shall be allowed over \$5000 for collecting any one year's taxes; nor shall any assessor be allowed to receive over \$500 for any one year's assessment.

Senator Culberson offered the following as an additional section:

“Sec. 5. That section twenty-one of the above recited act shall hereafter read as follows: ‘Sec. 21. It shall be the duty of any railroad company, owning, leasing or operating any railroad within this State to furnish said Comptroller, on or before the first day of April in such year, a statement, signed and sworn to by such officer or officers, upon blanks furnished by the Comptroller, which statement shall embrace in detail and show, for the year ending January first preceding—first, the whole number of miles owned, operated or leased in the State by any railway company making the return; second, the number of miles owned, operated or leased by such company, with a detailed statement of all property of every kind, and the value thereof, located in each county in the State, pertaining to the operation of its road; third, also a detailed statement of the number of engines, passengers, mail, express, freight, baggage, and other cars or property used in operating or repairing such railway in this State. The said property shall be valued at its true cash value, and such assessment shall be made upon the entire road in the State, and shall include the right of way, road bed, bridges, culverts, rolling stock, depots, stations, station grounds, shops, buildings, gravel beds, and all other property, real or personal, exclusively used in the operation of said railway. There is hereby levied, for the use of the incorporated towns and cities in and through which any railroad may be operated, in addition to the taxes herein named, a tax upon said railroad within the limits of each respectively. To ascertain the amount of such tax, such town or city shall, each, report annually to the Comptroller the amount of tax levied by the corporate authorities therein for general purposes on each one hundred dollars’ worth of real and personal property therein; whereupon the Comptroller shall assess and collect, for each of such towns and cities, on each mile and fractional part thereof within the same, a tax on such length of line, based upon the average valuation per mile of such railroad, as fixed by the Comptroller in the assessment of the State and county taxes. Said amount, so assessed and collected, to be paid over to the said town or city by the State Treasurer, upon warrants issued by the Comptroller; and the Comptroller shall apportion the taxes for county purposes, to each county, in the proportion that the length of line of any railroad in such county bears to the whole length of line assessed for State taxes.’”

Pending the discussion on the above amendment, on motion of Senator Bradshaw, the Senate adjourned until Wednesday morning—to-morrow, the twenty-first of April, being a legal holiday.

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EIGHTY-SECOND DAY.

SENATE CHAMBER, }  
Austin, April 22, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of Monday read and adopted.

On motion of Senator Wood, the Secretary was excused for the day, on account of sickness.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate Joint Resolution No. 391, "Joint Resolution to annex the parishes of Caddo and De Soto, State of Louisiana, to the State of Texas," and find the same correctly engrossed.

W. H. TROLINGER, for Committee.

Senator Baker, Chairman Finance Committee, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Finance, to whom was referred Senate bill No. 413, "An Act to make an appropriation to pay the interest on the bonded indebtedness of the State, and the interest on State Treasury Warrants," beg leave to report the same back, with the recommendation that it be passed.

Senator Bradshaw introduced a bill entitled "An Act for the relief of Taylor Barnes, assignee of Alexander Parks." Read first time and ordered to lie on the table.

Senator Wood, for Committee on Internal Improvements, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

SIR—Your Committee on Internal Improvements, to whom was referred Senate bill No. 412, "An Act to incorporate